

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 89-645-C - ORDER NO. 90-343  
MARCH 30, 1990

IN RE: Application of Summit Telecommunications, )  
Inc., for a Certificate of Public ) ORDER  
Convenience and Necessity to Operate as a ) GRANTING  
Reseller of Intrastate Telecommunications ) CERTIFICATE  
Service )

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an application filed by Summit Telecommunications, Inc. (the Company or Summit) requesting a certificate of public convenience and necessity authorizing it to operate as a reseller of telecommunications services in the State of South Carolina. The Application was filed pursuant to S.C. Code Ann., §58-9-520 (Cum. Supp. 1989) and the Regulations of the Public Service Commission of South Carolina.

The Commission's Executive Director instructed the Company to publish a prepared Notice of Filing and Hearing in newspapers of general circulation in the affected areas, once a week for two consecutive weeks. The purpose of the Notice of Filing was to inform interested parties of the nature of the Application and the manner and time in which to file the appropriate pleadings for participation in the proceeding. Thereafter, the Company provided the Commission with proof of publication of the Notice of Filing.

Petitions to Intervene were filed by Southern Bell Telephone & Telegraph Company (Southern Bell) and the South Carolina Department of Consumer Affairs (the Consumer Advocate).

A hearing was commenced Tuesday, March 20, 1990, at 11:00 a.m., in the Commission's Hearing Room, the Honorable Caroline H. Maass, presiding. Frank R. Ellerbe, III, Esquire, represented the Company; Harry M. Lightsey, III, Esquire, represented Southern Bell; Carl F. McIntosh, Esquire, represented the Consumer Advocate; and Marsha A. Ward, General Counsel, represented the Commission Staff.

The Company represented the testimonies of Stephen A. Beckham and John Clawson in support of its application. Southern Bell presented the testimony of C.L. Addis in support of its position.

Mr. Beckham provided a brief overview and explanation of the request of the Company for certification to operate as a reseller of interexchange telecommunications services in South Carolina. Mr. Beckham outlined the Company's legal qualifications, managerial qualifications, technical capabilities, and whether the public convenience and necessity requires the issuance of the requested certificate. Mr. Clawson described the financial status of Summit and its financial ability to meet its goals of providing resold long distance services in South Carolina. Mr. Addis testified that Summit should be subject to the exact terms, conditions and limitations imposed by the Commission on every other carrier providing long distance service in South Carolina, particularly as

outlined in Order No. 86-793, issued August 5, 1986, in Docket No. 86-187-C.

The Commission has considered the evidence in the record before it presented by the Company, Southern Bell, the Consumer Advocate, and the Commission Staff, and that based upon this evidence the Commission makes the following findings of fact and conclusions of law:

1. Summit Telecommunications, Inc. is a non-facility based reseller of interexchange telecommunications services.
2. That the Company intends to provide resold interexchange long distance services primarily to hotels and motels, businesses and residential customers.
3. That the Company is a South Carolina corporation with its principal place of business in Myrtle Beach, South Carolina.
4. That as a resale carrier, the Company will provide service over facilities leased from other carriers authorized to provide service in South Carolina, the selection of which will be based upon the Company's analysis of facility cost, suitability and quality of service.
5. That the Company will not own or operate its own telephone equipment, but will operate as a "switchless reseller." Calls from Summit's customers will be handled by the local exchange company and Summit's long distance carrier.
6. Presently, the Company has contracted with MCI Telecommunications to resell MCI's VNET Service.

7. That the Company has the experience and the resources to execute its business plan as described in its application.

8. That the Commission has determined that a certificate of public convenience and necessity should be granted to the Company to provide intrastate, interLATA service through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), Foreign Exchange Services and Private Line Services, or any other services authorized for resale by tariffs of facility based carriers approved by the Commission.

9. That all intrastate intraLATA calls must be completed over intraLATA WATS, MTS or private and foreign exchange lines which have been approved for resale. Any intraLATA calls not completed in this manner would be considered unauthorized traffic and the Company will be required to compensate LEC's for any unauthorized intraLATA calls it carries pursuant to Commission Order No. 86-793 in Docket No. 86-187-C.

10. That the Commission herein adopts the rate design for the Company which includes only a maximum rate level for each tariff charge.

11. That while the Commission is conscious of the need for resellers to adjust rates and charges timely to reflect the forces of economic competition, rate and tariff adjustments below the approved maximum level should not be accomplished without notice to the Commission and to the public. The Company shall incorporate provisions for filing proposed rate changes and publication of notice of such changes two weeks prior to the effective date of

such changes, and affidavits of publication must be filed with the Commission. Any proposed increase in the maximum rate level reflected in the tariffs of the Company which should be applicable to the general body of subscribers that constitute a general ratemaking proceeding would be treated in accordance with the notice and hearing provisions of S.C. Code Ann., §58-9-540 (Cum. Supp. 1989).

12. That the Company may only use underlying carriers for the provision of intrastate telecommunications service that are certified by this Commission to provide such service and the Company will notify the Commission in writing as to its underlying carrier or carriers and of any change in its carriers.

13. That the Company is hereby ordered to file tariffs and a price list to reflect the findings herein within thirty (30) days from the date of this Order.

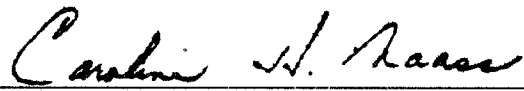
14. That the Company is subject to access charges pursuant to Commission Order No. 86-584, in which the Commission determined that resellers should be treated similarly to facilities based interexchange carriers for access purposes.

15. That the Company shall file surveillance reports on a calendar or fiscal year basis in the form prescribed and containing

the information required by Order No. 88-178 in Docket No.  
87-483-C.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)